

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Paper 46

Filed by: Filed by: Trial Section Merits Panel
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MASAHITO **TANABE**,
KAZUMASA WAKIYA, MASAKAZU KOBAYASHI, and
TOSHIMASA NAKAYAMA,
Junior Party,
(Patent 6,225,034),

v.

WAI MUN **LEE**,
CHARLES U. PITTMAN, JR., and ROBERT J. SMALL,
Senior Party,
(Application 09/988,545).

Patent Interference No. 105,088

GARDNER LANE, MEDLEY and TIERNEY, *Administrative Patent Judges*.

GARDNER LANE, *Administrative Patent Judge*.

FINAL JUDGMENT

Tanabe preliminary motion 1 has been GRANTED. For reasons set forth in the decision on Tanabe preliminary motion 1 (Paper 45 at 26), it is now appropriate to enter judgment against Lee.

Order

Upon consideration of the record and for reasons given, it is

ORDERED that judgment is entered against WAI MUN LEE, CHARLES U. PITTMAN, JR., and ROBERT J. SMALL;

FURTHER ORDERED that WAI MUN LEE, CHARLES U. PITTMAN, JR., and ROBERT J. SMALL is not entitled to a patent containing claims 20-22, 24-26, and 43-60 of it's application 09/988,545 which correspond to the sole count in the interference;

FURTHER ORDERED that, if there is a settlement agreement, the parties' attention is directed to 35 USC § 135(c); and

FURTHER ORDERED that a copy of this judgment be given a paper number and be entered into the administrative record of application 09/988,545 and patent 6,225,034.

SALLY GARDNER LANE
Administrative Patent Judge

SALLY C. MEDLEY
Administrative Patent Judge

MICHAEL P. TIERNEY
Administrative Patent Judge

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cc (via overnight carrier):

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